

EXHIBIT 20

David Rosen

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

IN RE:) Case No.
VALVE ANTITRUST LITIGATION) 2:21-cv-00563-JCC

VIDEO-RECORDED DEPOSITION OF DAVID ROSEN
WOLFIRE GAMES, LLC 30(b)(6)

Thursday, November 30, 2023
San Francisco, California

Stenographically Reported By:

Hanna Kim, CLR, CSR No. 13083

Job No. 6331118

David Rosen

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Video-recorded deposition of DAVID ROSEN,
WOLFIRE GAMES, LLC 30(b)(6), taken on behalf of the
Defendant, located at 345 California Street,
San Francisco, California, on Thursday,
November 30, 2023, before Hanna Kim, CLR, Certified
Shorthand Reporter, No. 13083.

APPEARANCES OF COUNSEL:

For Plaintiff:

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Also Present:

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JOSEPH BLEA, Video Operator

David Rosen

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WITNESS: DAVID ROSEN, Wolfire Games, LLC 30(b)(6)

EXAMINATION

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BY MR. SKOK:

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1 Q. Did Wolfire agree to participate in this
2 bundle that was being proposed in Exhibit 53?

3 A. I don't actually remember that either.

4 Q. If Wolfire had concerns about Steam keys
5 ending up in a gray market, why not just participate
6 in the Humble Bundle without Steam keys using the
7 DRM-free version?

8 MR. GOLDEN: Objection to form.

9 THE WITNESS: I believe, at this point, it
10 may have been required.

11 BY MR. SKOK:

12 Q. Required by Humble to use Steam keys?

13 A. Yes.

14 Q. Incidentally, when Wolfire sells its games
15 through the Humble Store or the Humble widget,
16 what's the most popular option that customers pick
17 between Steam keys versus a DRM-free version?

18 MR. GOLDEN: Objection to form.

19 THE WITNESS: I don't know if we have any
20 way to track that. Steam doesn't give us a way to
21 check if a key has been redeemed or not.

22 BY MR. SKOK:

23 Q. Does Wolfire have records, though, of how
24 many customers at the point of purchase choose a
25 DRM-free version versus a Steam key version when

1 buying through Humble?

2 MR. GOLDEN: Objection. Form.

3 THE WITNESS: Not that I know of.

4 BY MR. SKOK:

5 Q. You can put that aside. I think we've
6 been going close to an hour and 15. Would you like
7 a break? This could be a good point to do it, we
8 take a five or ten-minute break. Or we could keep
9 going. Up to you.

10 A. We can keep going.

11 MR. SKOK: You okay with that? Let's take
12 a five-minute break.

13 THE VIDEOGRAPHER: This is the end of
14 Media 3. We're off the record at 2:13 p.m.

15 (Short recess taken.)

16 THE VIDEOGRAPHER: This is the start of
17 Media 4. We're back on the record at 2:30 p.m.

18 Proceed.

19 BY MR. SKOK:

20 Q. Mr. Rosen, let's talk about distribution
21 of Wolfire games through Humble using Steam keys.
22 How does Humble obtain Steam keys that are used to
23 distribute Wolfire games?

24 A. Humble asks developers for Steam keys and
25 developers, in turn, ask Valve, unless they already

1 have some left over from a previous request.

2 Q. Is that the process Wolfire has always
3 followed for getting keys for distribution on
4 Humble?

5 A. I believe so.

6 Q. Do you know if Humble has ever talked
7 directly with Valve in requesting keys for any
8 Wolfire games?

9 A. I don't think so.

10 Q. What does -- if -- if Humble runs a bundle
11 that has a Wolfire game in it and ends up with some
12 Steam keys left over, what happens to those keys?

13 MR. GOLDEN: Objection. Form.

14 THE WITNESS: I don't actually know for
15 sure.

16 BY MR. SKOK:

17 Q. Does Humble return any unused keys to
18 Wolfire after a bundle is finished?

19 A. They might. I haven't done a bundle for
20 years.

21 Q. All right. Does Wolfire receive any
22 records from Humble when a bundle is finished about
23 whether all Steam keys that Wolfire gave to Humble
24 were distributed?

25 A. I don't know.

1 Q. Sitting here today, though, you're not
2 aware of records like that?

3 A. No.

4 Q. Do you know if Humble has ever resold any
5 Humble keys to key re- -- or, I'm sorry.

6 Do you know if Humble has ever resold
7 Steam keys to any key resellers after a Humble
8 Bundle is concluded?

9 MR. GOLDEN: Objection to form.

10 THE WITNESS: I would be pretty shocked if
11 they did.

12 BY MR. SKOK:

13 Q. Do you recall the Humble Indie Bundle 20?

14 A. Not specifically.

15 Q. The -- my understanding is that Overgrowth
16 was included in the Humble Indie Bundle 20, which
17 ran in March of 2019.

18 Does that refresh your memory?

19 A. Not really, but it sounds plausible.

20 Q. And I believe that there were six other
21 games in that bundle, and that the bundle sold for
22 \$10.

23 Does that sound right to you?

24 MR. GOLDEN: Objection. Form.

25 THE WITNESS: I still don't really re- --

1 MR. GOLDEN: Objection. Form.

2 THE WITNESS: Not at this time.

3 BY MR. SKOK:

4 Q. All right.

5 Was 29.95 a common price for games at the
6 time you set that as the Overgrowth base price?

7 MR. GOLDEN: Objection. Form.

8 THE WITNESS: I think it was common for a
9 specific category of games, like games made by
10 Indie -- Indie Studios that appear in some ways to
11 have AAA production value.

12 BY MR. SKOK:

13 Q. Okay. And you regarded Overgrowth as
14 having a AAA production value?

15 A. It had a more realistic 3D art style than
16 almost any other game by a small studio at the time
17 with a few exceptions.

18 Q. Did you set the same base price for
19 Overgrowth on your website as on the Humble Store?

20 MR. GOLDEN: Objection. Form.

21 THE WITNESS: I think so.

22 BY MR. SKOK:

23 Q. The same base price on Itch as well?

24 MR. GOLDEN: Same objection.

25 THE WITNESS: Yes.

1 start over.

2 Has Wolfire in some way been injured by
3 any of the things that Valve has done or said to
4 Wolfire regarding pricing of games?

5 MR. GOLDEN: Objection to form.

6 THE WITNESS: Yes.

7 BY MR. SKOK:

8 Q. How so?

9 A. Well, if we were allowed to do our pricing
10 experiment, then we would know for sure which
11 platforms are valuable for which reason.

12 And if Steam provides as much value as
13 they claim, then players would continue buying it
14 there at a higher price, and it would prove to
15 everyone that Valve really is earning their -- their
16 share. But they made that impossible.

17 Q. What is the pricing experiment you're
18 referring to?

19 A. Passing on all of the savings from various
20 commission rates on to customers.

21 Q. Would Wolfire, in that scenario, keep any
22 of the, as you put it, commission rate savings?

23 MR. GOLDEN: Objection to form.

24 THE WITNESS: No.

25 BY MR. SKOK:

1 Q. It would all get passed through to
2 customers?

3 A. Yes.

4 MR. GOLDEN: Objection to form.

5 BY MR. SKOK:

6 Q. The -- does Wolfire have any evidence that
7 it would sell more games on another platform or
8 store but for something Valve has done?

9 MR. GOLDEN: Objection to form.

10 THE WITNESS: It's generally considered
11 kind of axiomatic that lowering price will increase
12 sales volume.

13 So if that were true in this case, that
14 there is any price elasticity, then we would
15 definitely sell more copies.

16 BY MR. SKOK:

17 Q. You would agree with me, though, that
18 Wolfire's customers don't choose Wolfire's games
19 based solely on price; correct?

20 MR. GOLDEN: Objection. Form.

21 THE WITNESS: Price is a factor.

22 BY MR. SKOK:

23 Q. It's not the only factor, though, in
24 choosing a video game; correct?

25 MR. GOLDEN: Objection. Form.